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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY ELGUEZ,

Defendant.

CASE NO. 2:20-CR-092-JAM

STIPULATION REGARDING CONTINUANCE OF
RESTITUTION HEARING; [PROPOSED]
FINDINGS AND ORDER

DATE: January 26, 2021
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a restitution hearing on January 26, 2021.
2. By this stipulation, the parties now move to continue the restitution hearing until February 9, 2021.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The Mandatory Victims Restitution Act provides that "if the victim's losses are not ascertainable by the date that is 10 days prior to sentencing," the court "shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing." 18 U.S.C. § 3664(d)(5). While February 9, 2021 is ninety-one days from the date Elguez was sentenced, the sentencing court retains the power to order restitution past the ninety day deadline in certain

1 situations. *Dolan v. United States*, 560 U.S. 605 (2010); see also *United States v. Fu Sheng Kuo*,
2 620 F.3d 1158 (9th Cir. 2010).

3 b) The parties are working together to ascertain the appropriate restitution amount to
4 be ordered. Both parties agree to this continuance. The government has conferred with the
5 victim, the United States Postal Service, who also agrees to this continuance.

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7 IT IS SO STIPULATED.

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10 Dated: January 22, 2021

McGREGOR W. SCOTT
United States Attorney

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12 /s/ TANYA B. SYED
TANYA B. SYED
Assistant United States Attorney

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15 Dated: January 22, 2021

/s/ HANNAH LABAREE
HANNAH LABAREE
Counsel for Defendant
Jeremy Elguez

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19 **FINDINGS AND ORDER**

20 IT IS SO FOUND AND ORDERED this 25th day of January, 2021.

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22 /s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
23 UNITED STATES DISTRICT COURT JUDGE